

EXHIBIT O

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS Center, 80 South Eighth Street
Minneapolis, Minnesota 55402-2100 USA

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DATE: June 6, 2005

TO: Examiner Naoko Slack
Group Art Unit 3635

FAX #: 703-872-9306

PHONE #: 571-272-6848

Application No.: 10/805,686
Applicant: Morris


OUR REF.: 1915.17US03

FROM: Wm. Larry Alexander
PHONE #: 612-349-5757

Attached please find the following for filing in the above-identified application.

- (1) Amendment in response to Office Action dated 19 April 2005.


Respectfully submitted,


Wm. Larry Alexander
Registration No. 37,269

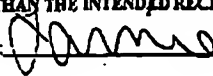
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Wm. Larry Alexander

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 1915.171.S03

Morris

Confirmation No.: 11616

Application No.: 10/805,686

Examiner: Naoko N. Black

Filed: 19 March 2004

Group Art Unit: 3635

For: ROOF BATTEN

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

Responsive to the 19 April 2005 Office Action, the 9 May 2005 Notice of Non-Compliant Amendment (now apparently rescinded), and 8 June 2005 Notice of Non-Compliant Amendment, amendment to the above-identified patent application is requested. It is believed that an extension fee is not due. However, if an extension fee is in fact due, please charge any fees to Deposit Account No. 16-0631.

The present amendment comprises the following sections:

A. Amendments to the Claims; and

B. Remarks.

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

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16 June 2005
Date

Wm. Larry Alexander
Wm. Larry Alexander

AMENDMENTS TO THE CLAIMS

A detailed listing of all claims that are, or were, in the present application, irrespective of whether the claim(s) remains under examination in the application are presented below. The claims are presented in ascending order and each includes one status identifier. Those claims not cancelled or withdrawn but amended by the current amendment utilize the following notations for amendment: 1) deleted matter is shown by brackets; and 2) added matter is shown by underlining.

1. (Canceled)

2. (Currently Amended) [The batten of claim 1,] A tile roof system, comprising:

an overlayment;

a tile; and

a batten disposable between the tile and the overlayment, the batten comprising:

at least one layer comprising generally planar first plies and a second ply;

the first and second plies cooperating to define a multiplicity of passages;

extending generally transversely to a longitudinal axis of the batten, and in which the

second ply includes a multiplicity of cross plies extending between the first plies.

3. (Currently Amended). [The batten of claim 1,] A tile roof system, comprising:

an overlayment;

a tile; and

a batten disposable between the tile and the overlayment, the batten comprising:

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Amendment Responsive to 19 April 2005 Office Action

at least one layer comprising generally planar first plies and a second ply,
the first and second plies cooperating to define a multiplicity of passages,
extending generally transversely to a longitudinal axis of the batten, and in which the
second ply is generally convoluted.

6. (Currently Amended) The batten of claim 5, in which adjacent layers are hingably connected by a hingeline extending generally parallel to [a] the batten longitudinal axis.

8. (Currently Amended) The batten of claim 6, in which first and second hingelines are present, the first hingeline defined by a first slice extending through one of the first plies and the second ply, and the second hingeline defined by a second slice extending through [the other] another of the first plies and the second ply.

9. (Currently Amended) The batten of claim 6, in which a plurality of hingelines are present, the [hingeline is] hingelines defined by alternate severed and intact portions, the severed portions comprising substantially severed first and second plies, the intact portions comprising substantially intact first [and second] plies.

14-20. (Canceled).

22. (Canceled).

REMARKS

Applicant's attorney appreciatively acknowledges the cordial and constructive teleconference of 3 May 2005 with the Examiner and believes that the amendments to the pending claims are in accord with the agreement reached and in which Applicant's Attorney agreed to change the status indicators of the pending claims.

Claims 2-13, 21, and 23-25 are pending. By this Amendment, claims 2-3, 6, and 8-9 are amended and claims 1, 14-20, and 22 are canceled.

The format of the claims listed herein is also altered to recite the claim status indicator of each, rather than the format followed in the 3 May 2005 amendment.

Allowable claims 2 and 3 are amended to include the limitations of claim 1. Claim 2 is further amended to recite that the second ply includes "a multiplicity of cross plies" rather than "a planar portion and a multiplicity of cross portions." Support for the amendment to claim 2 can be found, e.g., in Figure 5 in the specification at column 3, line 18 et seq. Amending claim 2 with the latter amendments merely restates the limitations present and, therefore, does not narrow the scope thereof.

Claim 6 is amended to recite "the batten longitudinal axis," in place of "a batten longitudinal axis," the former limitation having antecedence in claim 3, from which claim 6 indirectly depends. Correcting antecedence does not narrow the scope of claim 6.

Claim 8 is amended to more particularly point out and distinctly claim the subject matter regarded as the invention by reciting "another of the first plies and the second ply" rather than "the other of the first plies and the second ply." Applicant submits that the former limitation recognizes that more than two first plies might be present in some embodiments of this invention; hence the amendment, if anything, broadens the scope of claim 8.

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Claim 9 is amended to recite "a plurality of hingelines" and to recite the intact portions "comprising substantially intact first plies" rather than "comprising substantially intact first and second plies." Support for the foregoing amendment can be found, e.g., in the paragraph beginning at column 3, line 64. Applicant submits that the foregoing amendment, if anything, broadens the scope of claim 9.

No new matter has been added by the amendments to the claims presented herein. In view of the amendments to the claims, reconsideration and withdrawal of the rejection are respectfully requested.

Information Disclosure Statement

1. Applicant appreciatively acknowledges that the documents provided in the 16 March 2005 Information Disclosure have been considered. Applicant also requests that the documents provided via the 28 March 2005 Information Disclosure be considered and made of record as well.

35 U.S.C. § 102

2. Claims 1 and 14 are rejected under 35 U.S.C. § 102(b) as anticipated by GB 2 062 056A to Newmann. Applicant respectfully traverses this rejection. However, in order to advance the prosecution of this application, claims 1 and 14 are canceled; hence, the rejection is regarded as moot. In view of the cancellation of claims 1 and 14 reconsideration and withdrawal of the rejection are respectfully requested.

3. Claim 22 is rejected under 35 U.S.C. § 102(b) as anticipated by U.S. 3,647,606 to Notaro. Applicant respectfully traverses this rejection. However, in order to advance the prosecution of this application, claim 22 is canceled and the rejection is deemed moot. In view of the cancellation of claim 22, reconsideration and withdrawal of the rejection are respectfully requested.

Allowable Subject Matter

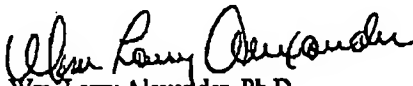
4. Applicant appreciatively acknowledges that claims 15-21 are allowed and that claims 2-13 and 23-25 are objected to as being dependent upon a rejected claim, but are allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. For reasons stated above, Applicant submits that all pending claims are in condition for allowance.

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Conclusion

In view of the foregoing, it is submitted that this Application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. To this end, the Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


Wm. Larry Alexander, Ph.D.
Registration No. 37,269

Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5757